

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERIC M. SCHMALTZ,
individually, and on behalf of others
similarly situated, as Plaintiff/Class
representative,

Plaintiff,

V.

O'REILLY AUTOMOTIVE STORES,
INC.,

Defendant.

No. 4:12-CV-1056-JAR

MEMORANDUM AND ORDER

This matter came before the Court on September 6, 2012 for a telephone status conference on Defendants' Motion for Extension of Time to Conduct Discovery and to Respond to Plaintiff's Motion for Conditional Class Certification [ECF No. 11]. Upon consideration, the motion will be granted. In addition, because a delay in consideration of the Motion for Conditional Class Certification is occasioned by Defendants' request for extension of time, the Court finds the statute of limitations should be tolled.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Extension of Time to Conduct Discovery and to Respond to Plaintiff's Motion for Conditional Class Certification [11] is **GRANTED** as follows:

Defendant is granted twenty-one (21) days from the date of this Order in which to conduct depositions of Plaintiff and the three affiants identified in Plaintiff's Motion for Conditional Class Certification;


Prior to the scheduled depositions of Plaintiff and affiants, Defendant shall produce all policy documents that will be presented at said depositions; and

Defendant is granted fourteen (14) days following the close of these four depositions to file its response to Plaintiff's Motion for Conditional Class Certification.

IT IS FURTHER ORDERED that the statute of limitations will be tolled for Plaintiffs' class as it relates to the claims set out in their Complaint.

IT IS FURTHER ORDERED that a scheduling conference pursuant to Fed.R.Civ.P. 16 is set for **November 13, 2012 at 10:00 a.m.** in the chambers of the undersigned. An Order Setting Rule 16 Conference will accompany this Memorandum and Order.

Dated this 10th day of September, 2012.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE